

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 139, AFL-CIO,**

Plaintiff,

Case No. 05-C-911

-vs-

**THOMAS KROLL, individually and d/b/a
KROLL'S EXCAVATING,**

Defendants.

ORDER

THIS MATTER, coming on to be heard upon Motion of Plaintiff herein, by its attorney, it appearing to the Court that the Defendant having been served with process and having failed to appear or to comply with the Court's Order of September 30, 2005, the Court, first being duly advised in the premises;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. This Court has jurisdiction of the subject matter herein and of the parties hereto;
2. The Defendant is bound by the terms of its collective bargaining agreement with Plaintiff, International Union of Operating Engineers, Local 139, AFL-CIO;
3. The Defendant is obligated to proceed to arbitration over a grievance filed by Plaintiff, and not resolved by the parties;

4. Defendant is hereby ordered to pay court costs in the amount of \$315.00; and

5. Failure to comply with the Court's latest ruling will result in further contempt proceedings which Plaintiff will be allowed to bring, at which time Plaintiff will also ask for additional sanctions.

6. The Court hereby retains jurisdiction of this cause and all the parties hereto for the purpose of enforcing this Order.

Dated at Milwaukee, Wisconsin, this 13th day of December, 2005.

SO ORDERED,

s/ Rudolph T. Randa

HON. RUDOLPH T. RANDA

Chief Judge